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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0237 MHP
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER RE-SETTING STATUS
)	HEARING DATE
DAVID NOSAL,)	
)	
Defendant.)	

The United States and the defendant David Nosal submit this stipulation and proposed order to continue the February 7, 2011 status hearing to May 2, 2011. The parties stipulate, and jointly inform the Court, as follows:

1. On or about February 2, 2010, the United States filed its Notice of Appeal in this matter. At that time, the Court vacated the trial schedule and placed a status hearing date on its calendar regarding this matter. That initial status hearing date was later continued to September 20, 2010, and then again to February 7, 2011.

2. Oral argument before a panel of the Ninth Circuit Court of Appeals regarding the United States' appeal is currently scheduled for February 14, 2011. After oral argument, the court of appeals is expected to issue an opinion deciding the matter within 2 to 3 months.

STIP. & ~~[PROPOSED]~~ ORDER RE-SETTING STATUS HEARING DATE
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3. For these reasons, the parties jointly request that the court **VACATE** the February 7, 2011 status hearing, and re-set that hearing for May 2, 2011. At that time, the parties anticipate that they will be able to provide the Court with additional information regarding the status of the United States' appeal. If proceedings terminate in the Court of Appeals before that date, the parties will contact this Court's deputy clerk to schedule an appearance in the district court forthwith.

SO STIPULATED.

DATED: February 2, 2011

MELINDA HAAG
United States Attorney

_____/s/_____
KYLE F. WALDINGER
Assistant United States Attorney

DATED: February 2, 2011

_____/s/_____
STEVEN F. GRUEL
Attorney for the defendant David Nosal

~~PROPOSED~~ ORDER

For the reasons stated above, the parties' joint request that the February 7, 2011 status hearing be vacated is GRANTED. The parties are ORDERED to appear before the Court for a status hearing on May 2, 2011 at 11:00 a.m.

DATED: February 3, 2011

